

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, JULY 13, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of July 13, 2004, was called to order by Mayor Hansen at 7:57 a.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

D. REGULAR CALENDAR

D-1 "Discussion and possible action regarding process for hiring a City Manager"

Mayor Hansen recommended that the process for hiring a City Manager begin immediately, that an executive recruitment firm be used, and that a nationwide search be conducted.

Mayor Pro Tempore Beckman agreed and also suggested that Council Members Land and Howard serve as part of a citizen's advisory group, with the two new Council Members elected in November casting the vote to make the hiring decision.

Council Member Howard pointed out that the current five Council Members have shown that they have been able to work together, interview, and hire a new City Attorney and legal team for the environmental abatement program litigation, and felt that the same could be done now for hiring a new City Manager. She favored beginning the process immediately with the Human Resources Department handling the recruitment, rather than an executive search firm.

Council Member Hitchcock expressed support for using the services of an executive search firm, beginning the recruitment immediately, and providing an open, public process.

Council Member Land stated that he would also like the recruitment process started immediately and an executive search firm used. Mr. Land stated that he would be willing to participate in the process.

Mayor Hansen offered to prepare a Request for Information to send to potential executive recruitment firms. He suggested that an interim City Manager be appointed at Council's regularly scheduled meeting of August 18.

In reference to a public process, Council Member Hitchcock cautioned that it might alienate good candidates from applying and suggested that Council listen to the advice given by the executive recruitment firm in regard to this factor.

B. CLOSED SESSION

At 8:10 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

B-1 Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

B-2 Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658

- B-3 Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- B-4 Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- B-5 Actual litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- B-6 Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- B-7 Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM

The Closed Session adjourned at 8:50 a.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 8:51 a.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed that in closed session Council voted unanimously to continue the services of Folger Levin & Kahn on an hourly basis until formalization of a budget for environmental abatement matters is made; and to authorize \$175,000 for drilling CPT (cone penetration testing) wells to delineate the central plume area of contamination.

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:51 a.m.

ATTEST:

Susan J. Blackston  
City Clerk